

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:12-CR-392-F

UNITED STATES OF AMERICA)
)
)
v.) O R D E R
)
)
DANIEL CARL DEEL,)
)
Defendant.)

This matter is before the court *sua sponte*. At the September 30, 2013 sentencing hearing, the court made a technical error calculating Deel's fine. Because the court varied downwardly from the guidelines and imposed a thirty month sentence, the court should have also reduced the fine amount.

Rule 35 of the Federal Rules of Criminal Procedure allows the court to correct a sentence that resulted from arithmetical, technical, or other clear error within fourteen days of sentencing. Fed. R. Crim. P. 35. Because the fine imposed in open court resulted from technical error, and today's date is within fourteen days of sentencing, the court has authority to modify the fine under Rule 35.

Accordingly, the fine is hereby modified as follows: "IT IS ORDERED that the defendant shall pay to the United States a fine of \$750, the court finding that the defendant is without the ability to satisfy a fine within the prescribed guideline fine range, or pay interest. Therefore, interest is waived. Payment of the total fine shall be due in full immediately." The sentence read in open court on September 30, 2013 is RATIFIED in all other respects.

SO ORDERED.

This the 3rd day of September, 2013.

James C. Fox
JAMES C. FOX
Senior United States District Judge